



Appropriations Policy Brief

H.R. 2764—*The Omnibus for Fiscal Year 2008*

December 17, 2007

BY THE NUMBERS:

FY 2008 Omnibus

In Millions of Dollars

	FY07 Enacted	FY08 Request	FY08 House Bill	FY08 Senate Bill	FY08 Conf Report
Appropriations	453,106	469,970	494,755	494,319	473,515
<i>Emergency, Domestic</i>	15,638	0	0	4,295	11,125
<i>Emergency, Afghan</i>	169,105	179,600	0	0	31,031
Total	637,849	649,570	494,755	498,614	515,671

Excluding Emergency Appropriations (and various gimmicks), the Bill is:

- \$3.6 billion or 0.8% more than the request
- \$20.4 billion or 4.5% more than last year

Spending Discussion: The difference between the total discretionary spending level provided by the Democrat Majority's budget resolution for FY 2008 (S.Con.Res. 21) and the President's budget request for the twelve spending bills amounts to \$22 billion. When coupled with the Defense appropriations conference report already enacted, this legislation breaches the President's "top-line" of \$933 billion by \$11.1 billion in "emergency" spending. Some conservatives may view a portion of this additional spending as not meriting an emergency designation, used to evade budget constraints, due to the predictable nature of these funding needs.

In addition, H.R. 2764 sanctions higher domestic spending since the Defense bill was \$3.5 billion *less* than the request and the BRAC account is under-funded by \$938.7 million, likely attracting future emergency spending to fill. Furthermore, the Democrats already enacted \$6.4 billion for similarly questionable emergencies for FY 2008 by attaching them to the Defense bill—those increases need to be added to the total as well. And finally, the Democrats employ an additional gimmick by increasing advance appropriations by \$2.4 billion.

In short, this omnibus is roughly \$24.3 billion above the President's comparable request for domestic spending. Some may argue that the amount of spending over the President's top-line is far less, but such accounting requires that FY 2008 emergencies and other spending not be counted.

Discussion of Spending Level:

As described above, the omnibus is roughly \$24.3 billion above the President's comparable request for non-defense spending for the entirety of FY 2008. The breakdown is as follows:

Amount Above President's Budget Request

In Billions of Dollars

Contingent Emergency for Veterans	\$3.7 billion
Non-Defense Emergencies	\$7.4 billion
Unrequested Advance Appropriations	\$2.4 billion
Non-Defense Emergencies in Earlier Defense Bill	\$6.4 billion
Higher Domestic Spending via Lower Defense Spending	\$4.4 billion
Total	\$24.3 billion

Budget Compliance: At press time, a CBO score was not available. However, if the funding levels prove to be the same as asserted by the Appropriations Committee and press reports, the Conference Report is within the 302(b) allocations for each of the eleven subcommittees covered by the legislation and thus would *technically* comply with the Budget Act.

Individual Bill Funding Levels:

In Millions of Dollars

	FY07 Enacted	FY08 Request	FY08 House Bill	FY08 Senate Bill	Omnibus
Agriculture	17,774	17,835	18,817	NA	18,093
CJS	51,950	51,387	53,551	54,403	51,803
Energy-Water	30,298	30,473	31,603	NA	30,888
Financial Services	19,518	21,678	21,434	NA	20,599
Homeland Security	31,905	34,189	36,254	36,439	34,852
Interior	26,405	25,650	27,598	NA	26,555
Labor-HHS	144,767	140,918	151,748	149,857	144,841
Leg. Branch	2,981	3,374	3,104	NA	3,970
Military-Veterans	49,752	60,745	64,745	64,745	60,213
State-Foreign Ops	31,277	34,943	34,243	34,242	32,800
Transportation-HUD	47,538	47,963	50,738	51,056	48,901

Emergency Spending:

H.R. 2764 includes **\$11.14 billion** in emergency-designated spending. Much of this spending does not meet the budget's criteria for such spending (sudden, unforeseen, temporary, urgent, etc.), causing many conservatives to conclude that the Appropriations Committee is utilizing a major gimmick to avoid budget restraints.

- \$602.0 million for drought relief
- \$20.0 million for Farm Service Agency salaries and expenses

- \$8.0 million for DOJ Administrative Review and Appeals
- \$10.0 million for DOJ Legal Activities, salaries and expenses
- \$7.0 million for U.S. Attorneys, salaries and expenses
- \$15.0 million for U.S. Marshals Service, salaries and expenses
- \$143.5 million for FBI, salaries and expenses
- \$2.0 million for Drug Enforcement Administration, salaries and expenses
- \$14.5 million for Court of Appeals, salaries and expenses
- \$10.5 million for Defender Services
- \$225.0 million for GSA Federal Building Fund (related to border fence)
- \$2.710 billion for border security funds/homeland security accounts
- \$300.0 million for wildfire suppression
- \$195.0 million for MN bridge repair
- \$100.0 million for presidential security at political conventions
- \$400.0 million for the special supplemental nutrition program for women, infants, and children
- \$2.385 billion for foreign aid programs
- \$56.5 million for the World Trade Center
- \$250 million for LIHEAP
- \$3.691 billion for “contingent emergencies” (meaning the President does not have to spend the money if he deems it unnecessary) for veterans funding

Budget Gimmicks:

In addition to the emergency spending, the omnibus contains at least **\$10.2 billion** in gimmicks that are being used to artificially lower the cost of the bill, including:

- Limits the amount of **payments from the Crime Victims Fund (CVF)** at \$590 million for FY 2008, providing a savings of \$1.3 billion in budget authority for FY 2008. The CVF provides a dedicated funding stream for various victims assistance programs paid from criminal fines, forfeited bail bonds, and special assessments deposited in the Fund. Current law requires that “sums deposited in the Fund *shall remain* in the Fund and be available for expenditure ...without fiscal year limitation...[and] all sums deposited in the Fund in any fiscal year that are not made available by Congress in the subsequent fiscal years *shall remain* in the Fund for obligation in future fiscal years” (emphasis added). By limiting the amount of payments from the CVF—as opposed to making an actual rescission—the money will roll-over and be available in future fiscal years to be spent (or used again as an offset over and over) and the savings from the “offset” never realized.
- Relies on at least \$5.0 billion in **rescissions to various federal transportation and housing programs** that produce no outlay savings. In particular, the bill rescinds roughly \$3.0 billion in contract authority (CA). However, these CA rescissions are not accompanied by any reduction in the obligation limitations—annual controls placed in appropriations bills primarily on the amount of transportation funds that may be spent or obligated by the Treasury. Therefore, CBO does not score these rescissions as producing any real *outlay* savings because the money was not going to be spent (i.e. result in outlays to the Treasury)—and thus the taxpayer is not made whole for the new spending elsewhere in the bill that the rescissions “pay” for. In addition, a similar rescission is included to achieve \$1.3 billion in artificial savings from the Housing Certificate Fund.
- Relies similarly on over **\$200 million in agriculture rescissions** that produce no outlays savings, meaning the money was never going to be spent and the offsets exist only on paper in order to artificially deflate the cost of the legislation.

- Increases **advance appropriations** by \$2.4 billion compared to the President's request. Advance appropriations is a maneuver used to commit federal resources in the future while avoiding the budget restraints of the fiscal year being appropriated.
- Increases funding for the 2005 **Base Realignment and Closure (BRAC)** account from \$2.49 billion to \$7.24 billion—an increase of \$4.75 billion over FY 2007. However, this amount is \$938.7 billion below the President's request, indicating that defense spending is being shifted to fund increases in domestic spending and causing a shortfall that will likely require emergency spending in the future.

Items of Note:

Agriculture:

- Increases funding for salaries and expenses at the **Food and Drug Administration** from \$1.57 billion to \$1.72 billion—an increase of \$142.6 million or 9.1% over FY 2007 and \$76.1 million or 4.6% over the request.
- Increases funding for **conservation programs** from \$852.6 million to \$937.5 million—an increase of \$84.9 million or 10.0% over FY 2007 and \$111.9 million or 13.6% over the request. These programs fall under the National Resources Conservation Service and fund watershed planning, flood prevention, and rehabilitation.
- Provides \$2.33 billion for **rural development programs**, \$284.8 million or 13.9% more than the request and \$166.0 million or 6.6% less than FY 2007.
- Increases funding for the **Farm Service Agency** from \$1.04 billion to \$1.13 billion—an increase of \$96.0 million or 9.2% and \$98.5 million or 8.0% less than requested.
- Increases funding for the **Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)** from \$5.2 billion to \$6.02 billion—an increase of \$815.6 million or 15.7% over FY 2007 and \$633.4 million or 11.8% over the request. Within the funding provided, \$400.0 million is designated as *emergency spending*, and thus does not count against the Agriculture subcommittee's allocation.
- Continues a provision prohibiting USDA from inspecting **horses slaughtered** for human consumption.
- Extends programs under the **Farm Security and Rural Investment Act of 2002** (the farm bill) through March 15, 2008.
- Provides \$20.0 million of *emergency-designated* funding for **Farm Service Agency, Salaries and Expenses**. Since this spending is designated as emergency spending, it does not count against the Agriculture subcommittee's allocation.
- Provides \$602.0 million of *emergency-designated* funding for **crop disaster assistance and livestock assistance**. Since this spending is designated as emergency spending, it does not count against the Agriculture subcommittee's allocation.

Commerce-Justice-Science:

- Increases funding for the **Department of Commerce** from \$6.62 billion to \$6.85 billion—an increase of \$232.2 million or 3.4% over FY 2007 and \$260.7 million or 3.9% over the request.
- Provides \$350 million for the **Legal Services Corporation (LSC)**—\$1 million or 0.3% over FY 2007. The LSC was established to provide free legal assistance to the poor in civil, non-criminal matters. However, instead of focusing on this core mission, the LSC has assisted lawyers and groups engaged in lobbying, advocacy of political causes, and litigation against the federal government—often seeking more government benefits.
- Provides \$279 million for the **Economic Development Administration (EDA)**—\$1.5 million or 0.4% less than FY 2007 but \$77.1 million or 38% above the request.

- Provides \$2.85 billion for the **National Oceanic and Atmospheric Administration (NOAA)**—\$52.2 million less than FY 2007 but \$92.4 million or 3.3% over the request.
- Increases funding for the **National Institute of Standards and Technology** to \$755.8 million—an increase of \$79 million or 11.6% over FY 2007 and \$115.1 million or 17.9% over the request.
- Decreases funding for **Office of Justice Programs** from \$2.52 billion to \$2.28 billion—a decrease of \$246.5 million or 10.5% over FY 2007 and \$1.17 billion or 106.7% over the request.
- Does *not* prohibit funds in the bill from being used to enforce the judgment of the U.S. District Court for the Western District of Texas in the case of United States v. Ignacio Ramos, Et Al. decided March 8, 2006; or the sentences imposed (Poe amendment).
- Prohibits the use of funds to be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single **conference occurring outside the United States** (Garrett amendment).
- Does *not* prohibit funds appropriated in this bill from being used to enforce criminal penalties against organizations that make electioneering communications under **McCain-Feingold** (Pence amendment).
- Does *not* contain Senate language pertaining to **EEOC English lawsuits**. Section 527 of the Senate bill included language which stated: “None of the funds made available in this Act shall be used to initiate or participate in a civil action by or on the behalf of the Equal Employment Opportunity Commission against an entity on the grounds that the entity requires an employee to speak English while engaged in work.” The House approved a Motion to Instruct Conferees that asked the House conferees to adopt Section 527 of the Senate bill. Even with both bodies on record in favor of this provision, it is not included in the final legislation.

Energy and Water:

- Increases funding for the **Army Corps of Engineers** from \$5.33 billion (adjusting for emergencies) to \$5.59 billion—an increase of \$253.5 million or 4.7% over FY 2007 and \$720.8 million or 14.7% over the request.
- Increases funding for **Department of Interior** programs from \$1.07 billion to \$1.15 billion—an increase of \$73.8 million or 6.7% over FY 2007 and \$150 million or 14.9% over the request.
- Increases funding for **energy efficiency and renewable energy programs** from \$1.47 billion to \$1.72 billion—an increase of \$248.1 million or 16.8% and \$486.2 million or 39.3% over the request.
- Increases funding for the **Bureau of Reclamation** from \$1.04 billion to \$1.1 billion—an increase of \$64.9 million or 6.2% over FY 2007 and \$150 million or 15.6% over the request. The bureau provides funding for local water reclamation projects that generally occur in western states.
- Increases funding for the **California Bay-Delta restoration project** from \$36.6 million to \$40 million—an increase of \$3.4 million or 9.2% over FY 2007 and \$8.2 million or 25.9% over the request. The funding pays for programs that study, monitor, and implement actions to improve water quality, water supply, ecosystem health, and levee stability in California’s Central Valley.
- Provides funding for the Appalachian Regional Commission (increased from \$64.8 million to \$73 million), the Delta Regional Authority (decreased from \$11.8 million to \$11.6 million), and Denali Commission (decreased from \$49.5 million to \$21.8 million). Under current law, the federal government provides annual funding to these **regional development agencies** to promote economic growth and development to communities in eligible counties and parishes, but the activities of these programs are duplicated by a

number of federal agencies. In addition, the Denali Commission funds projects solely in Alaska.

- Increases funding for **nuclear weapons activities** at the National Nuclear Security Administration from \$6.27 billion to \$6.29 billion—an increase of \$21.9 million or 0.3% from FY 2007 but a decrease of \$213.8 million or 3.3% from the request. This reduction is largely targeted at the Reliable Replacement Warhead Program, proposed to modernize our nation's nuclear weapons system.
- Includes \$21.8 million for the Denali Commission. Representative Musgrave offered an amendment zeroing out this program in the House-passed version of the Energy and Water bill. It passed by voice vote. That amendment is not included in this legislation.

Financial Services and General Government:

- Increases funding for **the Internal Revenue Service** from \$10.60 billion to \$10.89 billion—an increase of \$295.3 million or 2.8% over FY 2007 and \$203.1 million or 1.8% below the request.
- Increases funding for the Election Assistance Commission, namely for un-requested **election reform programs**, from \$16.3 million to \$141.5 million—an increase of \$125.3 million or 770.2% and \$126.1 million over the request.
- Provides \$600.0 million in new funding for the **Christopher Columbus Fellowship Foundation**.
- Does *not* include Senate provisions regarding **agriculture and medical sales to Cuba**.
- Provides **\$225 million in emergency** funding for the GSA's Federal Building Fund as part of constructing the homeland security border fence.
- Includes language prohibiting **GSA from reorganizing its organizational structure** without approval from the Appropriations Committees. It is unclear whether this language is targeted at reforms implemented by GSA Administrator Lurita Doan.
- Provides \$28.6 million for National Archives restoration and repairs, including funding for new construction and renovations at the **JFK, FDR, LBJ, and Nixon Presidential Libraries**—an increase of \$19.5 million or 213.6% over FY 2007.
- Prohibits the Federal Reserve and the Department of Treasury from considering a **real estate activity as financial in nature** thus barring banks from potentially entering the real estate business.
- Weakens an existing provision in current law that prohibits all funds (D.C. or federal) from being used for any **needle exchange program** in the District. This provision would allow the District of Columbia (which very likely would, based on statements from past and present D.C. elected officials) to use local taxpayer funds to provide hypodermic needles and syringes to drug addicts to engage in illicit drug use.
- Does *not* prevent more than \$1 million from being used for the IRS' **private debt collection program**.
- Does *not* prevent funds in the bill from being used to enforce Section 404 of the **Sarbanes-Oxley Act** (Garrett amendment). Compliance with SOX section 404 requires publicly traded companies to make annual and/or quarterly reports on their internal control over financial reporting. Producing these internal reports is very costly, and especially burdensome to small and medium-sized business.
- Prohibits funds in the bill from being used to implement or enforce the D.C. enacted Health Care Benefits Expansion Act of 1992, which created a **domestic partner registry** for unmarried couples and granted many of the same benefits to these domestic partners as legally married spouses.

- Prohibits funds in the bill from being used to reinstate the “**Fairness Doctrine**” (Pence amendment). The repeal of the Fairness Doctrine is widely seen as giving rise to the proliferation of conservative talk radio.

Homeland Security:

- Provides funding for **aviation screening, including additional unionized TSA employees**, at \$3.77 billion—the same level as FY 2007 and \$284.0 million or 7.0% less than the request. Importantly, the bill does not maintain the **cap on TSA screeners**, which is currently set at 45,000.
- Increases funding for the **Coast Guard** from \$7.23 billion to \$7.34 billion—an increase of \$104.0 million or 1.4% from FY 2007 and \$64.7 million or 0.9% less than the request.
- Increases funding for FEMA’s **State and Local Programs** from \$2.77 billion to \$3.18 billion—an increase of \$410.0 million or 14.8% over FY 2007 and \$1.48 billion or 87.4% more than the request. These programs include the State and Homeland Security Grant Program, Law Enforcement Terrorism Prevention Grants, Port Security Grants, Rail and Transit Security Grants, etc. Within the funding provided, \$110 million is designated as *emergency spending*, and thus does not count against the Homeland Security subcommittee’s allocation.
- Increases funding for FEMA’s **Firefighter Assistance Grants** from \$662.0 million to \$750.0 million—an increase of \$88.0 million or 13.3% over FY 2007 and \$450.0 million or 150.0% over the request.
- Increases funding for FEMA’s **Emergency Management Performance Grants** from \$250.0 million to \$300.0 million—an increase of \$50.0 million or 20.0% from FY 2007 and \$100.0 million or 50.0% over the request.
- Provides \$1.23 billion—\$37.4 million or 3.1% above FY 2007 and \$225.0 million or 22.5% more than the request—for **border security fencing, infrastructure, and technology**. Within the funding provided, \$1.05 billion is designated as *emergency spending*, and thus does not count against the Homeland Security subcommittee’s allocation. The bill releases \$650 million of this funding *only after* the Appropriations Committee is satisfied with the Department of Homeland Security’s expenditure plan and that 15 conditions listed in the bill are met.
- **Outsourcing/A-76 Activities**: Prohibits funds from being used under OMB Circular A-76 (governing the federal government’s outsourcing policies) “to process or approve a competition” with regard to employees of the Citizenship and Immigration Services. In other words, this provision would prohibit employees of the Citizenship and Immigration Services from having to compete with private-sector entities for certain functions of the bureau.
- Provides a **total of \$2.71 billion** in *emergency-designated spending* for the Homeland Security portion of the omnibus. In addition to the \$110 million for FEMA’s State and Local Programs noted above, \$2.36 billion is provided for immigration enforcement and border security programs (the Senate-passed bill provided \$3 billion in emergency spending for border security), \$21.0 million is provided for Federal Law Enforcement Training Center, \$166.1 million is provided for the Coast Guard, \$94 million is provided for Air and Marine Interdiction, and \$14 million is provided for Air and Marine Compensation and Benefits. None of this spending counts against the Homeland Security subcommittee’s allocation.

Interior:

- Increases funding for the **National Park Service** from \$2.30 billion to \$2.39 billion—an increase of \$90.3 million or 3.9 % over FY 2007 and \$26.5 million or 1.1 % over the request.

- Provides \$7.46 billion for the **Environmental Protection Agency**—a decrease of \$263.6 million or 3.5 % from FY 2007 but an increase of \$261 million or 3.6% over the request.
- Provides \$2.29 billion for the **Bureau of Indian Affairs**—\$17 million or 0.7% less than FY 2007 but \$62.3 million or 2.7% over the request.
- Provides \$3.34 billion for Health and Human Services' **Indian Health Services**—an increase of \$166 million or 5.2% from FY 2007 and \$75.4 million or 2.3% over the request.
- Provides \$144.7 million for the **National Endowment for the Arts**—\$20.1 million or 16.1% above FY 2007 and \$16.2 million or 12.6% above the request.
- Provides \$144.7 million for the **National Endowment for the Humanities**—\$3.6 million or 2.5% above FY 2007 and \$3.4 million or 2.3% above the request.
- Removes \$50 million for a **new Commission on Climate Change** Adaptation and Mitigation. Lists a finding stating that “mandatory steps will be required to slow or stop the growth of greenhouse gas emissions into the atmosphere.” Also, expresses the sense of the House that “there should be enacted a comprehensive and effective national program of mandatory, market-based limits and incentives on emissions of greenhouse gases that slow, stop, and reverse the growth of such emissions at a rate and in a manner that: (1) will not significantly harm the United States economy; and (2) will encourage comparable action by other nations that are major trading partners and key contributors to global emissions.”
- Does *not* include language prohibiting the federal government from issuing new offshore leases to **drill in the Outer Continental Shelf (OCS)** to companies who hold leases currently yet have not renegotiated with the government to pay royalties.
- Does *not* include language concerning the Roan Plateau Gas Leasing Moratorium.

Labor-HHS:

- Increases funding for **training and employment services** at the Department of Labor from \$3.56 billion to \$3.58 billion—an increase of \$20.0 million or 0.6% over FY 2007 and \$604.2 million or 20.3% over the request. Much of this increase over the request stems from an increase in dislocated worker assistance.
- Increases funding for **health resources and services programs** at the Department of HHS from \$6.39 billion to \$6.86 billion—an increase of \$465.5 million or 7.2% over FY 2007 and \$1.06 billion or 18.2% increase over the request. These increases flow largely to community health centers, health profession diversity programs, the Ryan White AIDS program, and rural health care programs.
- Provides \$300.0 million for **Title X family planning**— a \$16.8 million or 5.9% increase over FY 2007.
- Provides \$108.9 million for the **Community Based Abstinence Education** program—the same level as FY 2007.
- Increases funding for the **CDC** to \$6.00 billion—an increase of \$49.4 million or 0.8% over FY 2007 and \$333.3 million or 5.8% over the request.
- Increases **NIH funding** from \$28.90 billion to \$29.23 billion—an increase of \$328.7 million or 1.1% and \$607.3 billion or 2.1% over the request.
- Increases funding for the **Low Income Home Energy Assistance Program (LIHEAP)** from \$2.16 billion to \$2.57 billion—an increase of \$409.2 million or 18.9% and \$788.0 million or 44.2% over the request. Of this funding, \$250 million is provided as an “emergency.”
- Provides \$2.16 billion for **adoption assistance** and \$4.58 billion for **foster care assistance**—\$129.0 million and \$106.0 million more than FY2007 respectively.

- Increases **school improvement programs** from \$5.26 billion to \$5.31 billion—an increase of \$58.7 million or 1.1% over FY 2007 and \$615.9 million or 13.1% over the request. The President proposed to eliminate many of these programs.
- Increases **Pell Grants** from \$13.66 billion to \$14.22 billion—an increase of \$554.3 billion or 4.1% over FY 2007 and \$801 million or 6.0% over the request.
- Includes a \$1.5 million non-competitive grant to the **AFL-CIO Working for America Institute** and \$2.2 million for the AFL-CIO Appalachian Council, Inc., and \$2.2 million for the **United Mine Workers of America**.
- Directs the Labor Department to issue regulations by June 20, 2008 to limit the use of belt haulage entities for ventilation and to require rescue chambers in **underground coal mines**.
- Includes \$1.25 million for a grant to the University Of Hawaii School Of Law for **Center of Excellence in Native Hawaiian law**.
- Includes \$21.3 billion in **advance appropriations**, an increase of \$2 billion compared to FY 2007 and an increase of \$2.4 billion compared to the President's request. Advance appropriations is a maneuver employed as a way to commit federal resources in the future while avoiding the budget restraints of the fiscal year being appropriated.
- Prohibits the SSA from administering Social Security benefit payments, under any **totalization agreement** between the United States and Mexico.
- Prohibits funds in the bill from being used to employ illegal immigrants.
- Establishes a **National Commission on Children and Disasters** to examine the needs of children as they relate to preparing and responding to major disasters and emergencies—with a two-year, \$3.0 million authorization.
- Does *not* include a House prohibition on funds being used to employ more than 50 employees from a Federal department or agency at any single **conference occurring outside the United States**.
- Cuts **Office of Labor-Management Standards** from \$47.8 million to \$44.9 million—a decrease of \$2.8 million from FY 2007 and \$12.0 million from the request. It is noteworthy that, while most programs receive increases throughout this legislation, one of the few programs to actually be cut is the charged with auditing labor unions.
- Provides \$56.5 million in **emergency spending for the World Trade Center**.

Legislative Branch:

- Increases funding for the Appropriation Committee from \$25.9 million to \$29.7 million—an increase of \$3.8 million or 14.7% over FY 2007.
- Increases funding for the remaining Standing Committees from \$124.4 million to \$132.7 million—an increase of \$8.3 million or 6.7% over FY 2007.
- Increases Member's Representational Allowances (MRAs) from \$554.7 million to \$579.5 million—\$24.8 million or 4.5% over FY 2007.
- Increases overall Library of Congress funds from \$508.8 million to \$562.5 million—\$53.7 million or 10.6% over FY 2007.
- Includes language completing the Capitol Police and Library of Congress Police merger. Similar legislation, H.R. 3690, was passed by voice vote in the House on December 5, 2007.
- Prohibits the use of funds to eliminate staff-led tours of the Capitol.

Military Construction-Veterans Affairs:

- Increases funding for the 2005 **Base Realignment and Closure (BRAC)** account from \$2.49 billion to \$7.24 billion—an increase of \$4.75 billion over FY 2007. However, this amount is \$938.7 billion below the President's request, indicating that defense spending

is being shifted to fund increases in domestic spending and causing a shortfall that will likely attract emergency spending in the future.

- Increases **veterans health care funding** from \$32.68 billion to \$37.20 billion (including contingent emergencies)—an increase of \$3.18 billion or 9.3% over FY 2007.
- Increases **Department of Veterans Affairs, Departmental Administration** from \$4.09 billion to \$5.75 billion (including contingent emergencies)—an increase of \$1.67 billion or 40.7% over FY 2007.

State and Foreign Operations:

- Increases **USAID funding** from \$4.75 billion to \$9.37 billion—an increase of \$4.62 billion or 97.4% over FY 2007 and \$5.62 billion or 149.5% more than the request. Some conservatives may be concerned with this enormous increase in foreign aid.
- Reduces the **Millennium Challenge Corporation** from \$1.75 billion to \$1.54 billion—a decrease of \$207.9 million and \$1.46 billion less than the request.
- Increases funding for the **Global HIV/AIDS Initiative** from \$1.88 billion to \$6.49 billion—an increase of \$4.61 billion or 245.4% more than FY 2007 and \$4.93 billion more than the request.
- Reduces funding for the **Andean Counterdrug Initiative** from \$721.5 million to \$324.8 million—a decrease of \$396.7.0 million from FY 2007 and \$118.0 million less than the request.
- Provides \$2.38 billion in **military assistance to Israel** and \$1.29 billion in **military assistance to Egypt**—the same amount as requested.
- Includes **\$2.39 billion “emergency” foreign aid spending** to avoid budget restraints, including \$781.6 million for diplomatic and consular programs, \$468.0 million for international peacekeeping, \$12.0 million for international broadcasting, \$245.8 million for USAID, \$542.6 million for the economic support fund, \$200.0 million for refugee assistance, \$100.0 million for foreign military financing, etc.
- Contains language that waives the **President's Emergency Plan for AIDS Relief (PEPFAR)** funding requirements for abstinence and fidelity programs, programs which were necessary for PEPFAR funding in the past.

Transportation, Housing, and Urban Development:

- Increases **funding for the Department of Housing and Urban Development** from \$36.21 billion to \$37.63 billion—an increase of \$1.42 billion or 3.9% over FY 2007 and \$2.04 billion or 5.7% more than the request.
- Increases funding for **Community Development Block Grants** from \$3.77 billion to \$3.86 billion—an increase of \$90.1 million or 2.3% over FY 2007 and \$829.2 million or 27% over the request.
- Increases funding for **Public and Indian Housing** from \$28.93 billion to \$30.15 billion—an increase of \$1.22 billion or 4.2 over FY 2007 and \$1.78 billion or 6.2% over the request.
- Increases total **Amtrak** funding from \$1.29 billion to \$1.32 billion—an increase of \$31.4 million or 2.3% over FY 2007 and \$425 million or 47.2% over the request.
- Prevents the public from receiving **access to budget justifications** until May 31st (approximately four months after the President’s budget is submitted to Congress). Instead, this provision in the bill limits access to this information to the Appropriations Committee alone. RSC Chairman Jeb Hensarling sent a [letter](#) last year to then-OMB Director Bolton noting the importance of making this information available.
- Provides \$14 million in funding for the **Delta Regional Authority** that was not requested. Under current law, the federal government may provide annual funding to **regional development agencies** to promote economic growth and development to

communities in eligible counties and parishes, but the activities of these programs are duplicated by a number of federal agencies.

- Provides \$195 million in emergency funding for the repair and reconstruction of the **I-35W Bridge** in Minneapolis, Minnesota.

Pro-Life Issues:

Pro-Life Riders Protected:

Note: All of the pro-life provisions or “riders” traditionally included in the annual appropriations bills are retained.

- **Commerce, Justice, Science:** Bans on abortion funding for federal prisoners and conscience protection for prison employees; ban on Legal Services Corporation funds going to organizations that engage in abortion-related litigation; retains prohibition on funds being used to issue patents on claims directed to or encompassing a human organism.
- **Financial Services:** Ban on funding of abortions through the Federal Employee Health Benefits program, except in the instances of rape, incest, and life of the mother; conscience protections for health care personnel and providers; ban on using appropriated funds (either federal or District of Columbia) for abortion in the District of Columbia.
- **State, Foreign Operations:** Retains language protecting the President’s **Mexico City Policy** (MCP), which ensures that federal U.S. dollars do not go to non-governmental organizations that provide or promote abortion services, and the bill appropriates \$395 million in funding for international family planning; increases funding for United Nations Population Fund to \$40 million (additional language states that if Kemp-Kasten is invoked by the President, funding will be transferred to the Child Survival and Health Programs Fund for family planning, maternal, and reproductive health activities) and includes language to prohibit direct U.S. UNFPA funding in China if Kemp-Kasten is not invoked; retains Kemp-Kasten language that allows the President to discontinue funding to organizations that support or participate in the management of a coercive abortion program; retains Tiahrt language to ensure that population control funds are only used in programs which are certified to be voluntary in every aspect; retains language preventing Peace Corps money from being used to pay for abortion; retains language preventing foreign aid from being spent for abortion.
- **Labor, HHS, and Education:** Retains the Dickey-Wicker amendment banning federal funding of harmful human embryo research; retains Hyde Amendment banning federal funding for abortions, except in the cases of rape, incest or life of a mother; retains Hyde-Weldon amendment to prevent local entities from discriminating against health care entities because they refuse to provide, pay for, or refer for abortion; retains Medicare Advantage conscience protection for health care entities to ensure that they will not be discriminated against in the state and federal programs if they refuse to provide abortions; retains provision requiring Title X grantees to comply with state reporting laws on child abuse, child molestation, sexual abuse, rape, or incest.

Pro-Life Concerns:

- Increases domestic family planning under Title X to total \$300 million—an increase of \$16.9 million over the President’s request and \$16.8 million, or 5.9% increase over FY 2007 funding levels. Some may be concerned that Title X funding should not continue to subsidize abortion clinics and therefore, funding for Title X should not be increased while that subsidy continues. The Title X program is not the only federal source for family

planning funding, and according to CRS, 23 percent of Title X funds go to Planned Parenthood, the largest abortion provider in the United States. Unlike prior versions of the FY08 Labor, Health and Human Services Appropriations Act, this increase is not paired with an equal increase in abstinence education funding.

Items of Note:

- Maintains FY 2007 funding level for abstinence education at \$108.9 million, \$37.7 million below the President's FY 2008 requested amount.
- Contains \$8.8 million for cord blood banking, \$6.2 million less than the House bill requested.

War Funding:

- Provides \$31.03 billion of emergency-designated funding for operations in Afghanistan as follows:

Funding for Operations in Afghanistan

In millions

Department of Defense	Request	House
Military Personnel	5,434	331
Operations & Maintenance	80,972	21,442
<i>Army</i>	54,933	17,798
<i>Navy</i>	6,253	350
<i>Marine Corps</i>	4,675	2,011
<i>Air Force</i>	10,810	800
<i>Defense-wide</i>	6,402	483
<i>Afghanistan Security Fund</i>	NA	2,530
<i>Joint Improvised Explosive Device Defeat Fund</i>	4,269	4,269
Procurement	45,503	2,345
Defense Health Program	1,137	115
Total	189,300*	31,031

***Note:** The \$189.3 billion figure represents the President's *total* request for emergency war funding for the Department of Defense.

- **Torture Prohibition:** Prohibits funds from being used to negate a series of laws and regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- **Regional Stability Plan:** Requires the President to submit to Congress by February 15, 2008 "a comprehensive regional stability plan for the Middle East" including "a detailed description of the projected United States military force presence in and around the Middle East region for the 5-year period beginning on October 1, 2008."
- **Iraq Funding:** Prohibits any of the funding provided by this legislation from being used for Operation Iraqi Freedom.

Earmarks:

According to Senator Coburn's office, a preliminary count of the congressional earmarks contained within the omnibus bill is 9,241.

<u>Appropriations Bill</u>	<u>Earmarks</u>
Agriculture	623
CJS	1,792
Energy and Water	1,378
Financial Services	218
Homeland Security	126
Interior	556
Labor-HHS-Education	2,241
Legislative Branch	4
Military Construction/VA	191
State-Foreign Operations	0
THUD	2,112
Supplemental	0
TOTAL	9,241

Specific examples will follow in a separate RSC document.

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